

## **REMARKS**

Favorable reconsideration of this Application and the Office Action of July 18, 2005 are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1 to 30 remain in this application. Claims 22-30 stand withdrawn from consideration as being drawn to a non-elected invention. Certain of the claims have been amended, not for purposes of establishing patentability, but simply to insert missing punctuation marks and insertion of the transition phrase "and" to make the claims more readable. Additionally, claim 9 to 14 have recited the phrase "flexible pad elements" to make clear what was referred to by "the said".

The rejection of claims 1-22 under 35 U.S.C. 112, second paragraph, as being indefinite is respectfully traversed. It is respectfully submitted that the claims are not indefinite to one skilled in the art and in view of the disclosure in the specification.

The phrase "other periodontal problems" in line 2 of claim 1 is not indefinite. The term "periodontal" is known to those skilled in the art to refer to the periodontium, namely the tissue investing and supporting the teeth. One periodontal problem is "gingivitis" (inflammation of that tissue). Thus the complete phrase in the claim is "gingivitis and other periodontal problems" and thus the phrase "other periodontal problems" clearly refers to any other periodontal problem other than gingivitis. There is therefore, no indefiniteness to the phrase "gingivitis and other periodontal problems" and the USPTO is respectfully requested to reconsider and withdraw this ground for the rejection.

It is contended that Claims 5, 6, 13, 14, 19 and 20 are contended to be improper

claims because the Examiner cannot determine the scope of the claims. This contention is based on the assertion that the examiner cannot determine what aspects of the waveform the Applicant intends on incorporating and it is suggested that the claims be rewritten. It is respectfully submitted that this position is in error, that the scope is readily apparent and that there is no necessity for rewriting the claims. The scope of the claims is readily and clearly evident. Taking claim 5, for example, claim 5 is directed to a wave-form generating device of claim 1 and that device of claim 5 is such a device which first generates the alternating wave form described in Claim 2, then generates the alternating wave form described in claim 3, and then generates the alternating wave form described in claim 4. Claims 2, 3 and 4 each describe only one alternating wave form and that of claim 2 is different from that of claims 3 and 4, that of claim 3 is different than that of claims 2 and 4 and that of claim 4 is different from that of claims 2 and 3. Thus, it is readily apparent that claim 5 is clearly drawn to a wave-form generating device of claim 1 that is a device can first generate the wave form of claim 2, then the wave form of claim 3 and the wave form of claim 4. Clearly it is unnecessary to rewrite this claim to recite all the limitations of claims 2, 3 and 4 that are already incorporated by reference into claim 5. Rewriting claim 5 to specifically recite all the lengthy recitations in claims 2, 3 and 4 would make the claim the claims unwieldy and less clear and apparent as to what the claim is in relation to previous claims. Therefore, it is submitted that the scope of the claim is clear and the USPTO is respectfully requested to reconsider and withdraw the ground for the rejection and withdraw its request that claim 5 be rewritten and unnecessarily and needlessly lengthen the text of the claim.

With respect to claims 9-14 Applicant has now specifically recited flexible pad elements to clarify what "the said" refers. Thus, this basis for a rejection of claims 9-20 has been obviated. Furthermore, based on the punctuation in claims 9 to 14 it is clear that the phrase "to discharge direct electrical current" refers to a property of the electrical conductors.

In view of the above it is readily apparent that no valid grounds for a 35 U.S.C. 112, second paragraph, rejection of claims 1-22 exists and, therefore, the USPTO is respectfully requested to reconsider and withdraw this rejection of the claims.

The rejection of claims 1-4, 7-12, 15-18, and 21-22 under 35 U.S.C. 102(e) as being anticipated by Motoi (US 6,584,359) is respectfully traversed. It is respectfully submitted that the rejection is clearly erroneous and should be withdrawn.

The USPTO recognizes that the device in the Motoi patent is one designed for **cosmetic use, not a device designed for treatment of (non-cosmetic) conditions in the mouth of a person**. The USPTO contends that the electrical conductive gloves 3a and 3b of the Motoi patent are flexible pad elements for electrical connection to said electrical output apparatus and suitably designed for insertion into the oral cavity of a patient as required by the claims of the present invention. Gloves are not flexible pad elements for insertion into the oral cavity. The gloves in the Motoi patent require that they be worn by a patient and be placed on the outer body surface of a person for cosmetic purposes. They are neither flexible pads nor could they be used for insertion into the oral cavity of a patient for treatment of non-cosmetic conditions as erroneously alleged in the Office Action. Therefore, the disclosure in the Motoi patent cannot anticipate any of claims 1-4, 7-12, 15-18 and 21-22 and the USPTO is respectfully requested to reconsider and withdraw the 35 U.S.C. 102(e) rejection of these claims.

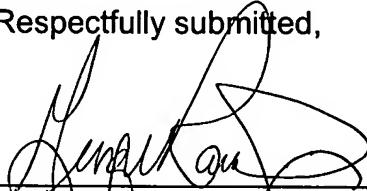
It is noted that claims 5, 6, 13, 14, 19 and 20 are not rejected on prior art and therefore are drawn to allowable subject matter.

The Office Action objects to the specification and claims for "improper spacing". Applicant is unaware of any improper spacing. All the spacings of the specification and

claims are that normally obtained with computer printouts. The USPTO is respectfully requested to reconsider and withdraw these objections

It is respectfully submitted that the foregoing is a full and complete response to the Office Action and that all the claims are allowable for at least the reasons indicated. An early indication of their allowability by issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,



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